

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

BROOKSHIRE BROTHERS	:	
HOLDING, INC. ET AL.,	:	
plaintiffs,	:	Civil Action No. 2:04cv1150
v.	:	Judge Trimble
TOTAL CONTAINMENT, INC.,	:	Mag. Judge Wilson
ET AL.,	:	
defendants.	:	

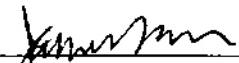
ORDER

Considering Underwriters Laboratories, Inc.'s "Motion for Certification Under 28 U.S.C. § 1292(b)", the Court hereby grants the Motion for Certification and expressly finds, pursuant to 28 U.S.C. § 1292(b) and Rule 5(a)(3) of the Federal Rules of Appellate Procedure, that the Court's Judgment (doc. #482) and Memorandum Ruling (doc. #481) entered on July 7, 2006 on the motion for summary judgment filed by Underwriters Laboratories, Inc. to dismiss Plaintiffs' claims as time-barred, which granted that motion "to the extent that all claims for injuries that occurred prior to August 15, 2002 have prescribed and are dismissed," involve a controlling question of law as to which there is a substantial ground for difference of opinion and that an immediate appeal from the Judgment and Memorandum Ruling as authorized by 28 U.S.C. § 1292(b) and this certification Order may materially advance the ultimate termination of the litigation. A decision from the Fifth Circuit on the legal question presented may result in the

dismissal of UL as a party defendant and streamline the remaining issues in this case.

Pursuant to 28 U.S.C. § 1292(b) and Rule 5(a)(3) of the Federal Rules of Appellate Procedure, Underwriters Laboratories, Inc. shall have ten days from the entry of this Order to file a Petition for Permission to Appeal in the United States Court of Appeals for the Fifth Circuit.

Lake Charles, Louisiana, this 2<sup>nd</sup> day of October, 2006.

  
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JUDGE TRIMBLE  
UNITED STATES DISTRICT JUDGE  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION